



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2020-106

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	8
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

To: RAMSAY <RAMSAY@act.gov.au>

Subject: FW: ACT rental bonds

Hi Sharyn,

Would this be one for your office?

Thanks,

Martin

From: [REDACTED]

Sent: Thursday, 14 May 2020 8:35 AM

To: andrew.barr@act.alp.org.au

Subject: ACT rental bonds

Dear Mr Barr

Is your office able to inform me of what policies your government has regarding refunding rental bonds?

I have just recently moved home, having been evicted after getting legal advice on a water consumption issue, so had to find a new home with my [REDACTED].

The eviction is bad enough, as in the ACT landlords can issue notices of eviction when people complain if they give sufficient notice without reason. This in itself is a loophole as landlords can evict people for things that would otherwise be illegal, such as seeking legal advice on rental issues, and then just out the place up for rent straight away, as was the case with my former real estate agent, Independent property group.

But to rub salt in the wounds, not only can landlords evict without reason they can then hold up refund of rental bonds. To move house I had to come up with 4 weeks rent for bond for the new house, 2 weeks advance rental on the new home and then I have to wait potentially months to get my old bond back given the dispute has to go to ACAT.

The real estate agents in my case have taken pictures of every little nick and scratch, creases in window blinds, chips in tiles, hundreds of which were listed on the original inventory and would anyway usually be considered general wear and tear. I mean it makes no different to the landlord to hold up refunding my money, but for me, I am left not I my with the stressful situation of being evicted for no reason, but then being subject to opportunistic bullying.

I am [REDACTED], I have previously owned a home in the ACT prior to [REDACTED] and having to return to the rental market. I have never experienced what I have in the ACT where real estate agents and landlords hold so much power over tenants. I also have never had a bond refund refused in my entire life. I fear however that many other poor people are suffering the same abuse as I have received and simply can't be bothered complaining.

A few questions:

Why does your government give so much power to landlords which is so easy to abuse. Tenants in general are not as well off as their landlords and should have more support from their government.

And to avoid getting a generic response (if I indeed I even get one). I request you forward this email to the relevant authority so they can tell me:

- The percentage of bonds not refunded to tenants in the last 3 years as a percentage of total rental bonds held.
- what percentage of bonds are not refunded where Independent property group is the real estate agent?

And to really try and avoid a generic response : This is a freedom of information request under the Freedom of Information Act.

Kind regards

[REDACTED]



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-106

[REDACTED]
via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 2 June 2020, in which you sought access to:

- Rental Bonds statistics being held - including percentage of bonds being withheld, partial or 100%, involving Independent Real Estate, and statistics on how many went to ACAT for resolution.

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 2 July 2020.

Decision on access

Searches were completed for relevant statistics and one document was identified that falls within the scope of your request.

I have included as **Attachment A** to this decision the Request Schedule for this application. This provides a description of and the access decision for the document that falls within the scope of your request.

I have decided to grant full access to the relevant document. The document released to you is provided as **Attachment B** to this letter.

Charges

Processing charges are not applicable for this request because the number of pages to be released to you is less than the charging threshold of 50.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 19 June 2020. Your personal contact details will not be published. You

may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7765 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

16 June 2020



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Request for Rental Bonds statistics being held - including percentage of bonds being withheld, partial or 100%, involving Independent Real Estate, and statistics on how many went to ACAT for resolution.	CMTEDDFOI 2020-106

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Requested statistics		Full release	N/A	Yes
Total No of Docs						
1						

Full and partial refund stats - inc ACAT dispute orders 2016-2020 as at 28052020

All Refunds

2016 - 17 - Refunds	Number of Bonds	Bond Amount Held	% Number of All Refunds	% of \$ amount of All Refunds
Full Refund to Agency / Lessor	1093	\$1,741,478	7%	6%
Full Refund to Tenant	10794	\$18,871,760		
Tenant Bond Transfers	885	\$1,690,565.15		
Full Refund to Tenant + Transfers	11679	\$20,562,325.41	73%	74%
No Details of Refund Components				
Partial Refund to either party	3136	\$5,472,288	20%	
Partial Refund to Lessor		\$1,562,367		6%
Partial Refund to Tenant		\$3,909,921		14%
Grand Total	15908	\$ 27,776,092	100%	100%

In 2016-17 the total of 15908 bonds were refunded.

7% of all refunded bonds were paid to the lessor in full
 73% of all refunded bonds were paid to the tenants
 3136 bonds were paid partially to either party.
 6% of the total bond refunds were partially refunded to the lessor
 14% of the total bonds refunded were partially refunded to the tenant

29% of the partially refunded bond amounts were paid to the lessor
 71% of the partially refunded bond amounts were paid to the tenants
 3% of refunds were sent to ACAT as disputes (old system data considered slightly inaccurate)
 ***No data for bonds refunded under Tribunal Orders, for the older system

2017 - 18 - Refunds	Number of Bonds	Bond Amount Held	% Number of All Refunds	% of \$ amount of All Refunds
Full Refund to Agency / Lessor	1113	\$1,906,712	7%	6%
Full Refund to Tenant	11155	\$20,097,157		
Tenant Bond Transfers	1291	\$2,585,808		
Full Refund to Tenant + Transfers	12446	\$22,682,965	75%	76%
No Details of Refund Components				
Partial Refund to either party	3042	\$5,449,600	18%	
Partial Refund to Lessor		\$1,633,615		5%
Partial Refund to Tenant		\$3,815,985		13%
Grand Total	16601	\$30,039,277	100%	82%

30%
 70%
 2% of refunds were sent to ACAT as disputes (old system data considered slightly inaccurate)
 ***No data for bonds refunded under Tribunal Orders, for the older system

2018 - 19 - Refunds	Number of Bonds	Bond Amount Held	% Number of All Refunds	% of \$ amount of All Refunds
Full Refund to Agency / Lessor	1464	\$2,790,198	9%	9%
Full Refund to Tenant	11920	\$22,624,045		
Tenant Bond Transfers	55	\$109,156		
Full Refund to Tenant + Transfers	11975	\$22,733,201	74%	74%
No Details of Refund Components				
Partial Refund to either party	2868	\$5,372,763	17%	
Partial Refund to Lessor		\$1,585,649		5%
Partial Refund to Tenant		\$3,787,114		12%
Grand Total	16307	\$30,896,162	100%	100%

30%
 70%
 2% of refunds were sent to ACAT as disputes (old system data considered slightly inaccurate)
 ***No data for bonds refunded under Tribunal Orders, for the older system

2019 - 20 - Refunds	Number of Bonds	Bond Amount Held	% Number of All Refunds	% of \$ amount of All Refunds
Full Refund to Agency / Lessor	1534	\$3,049,188	9%	10%
Full Refund to Tenant	12077	\$23,701,935		
Tenant Bond Transfers	6	\$10,668		
Full Refund to Tenant + Transfers	12083	\$23,712,603	75%	75%
No Details of Refund Components	74	\$145,871	0.5%	0.5%
Partial Refund to either party	2479	\$4,875,547	15%	
Partial Refund to Lessor		\$1,436,469		5%
Partial Refund to Tenant		\$3,439,078		11%
Grand Total	16170	\$31,783,210	100%	100%

29%
 71%

2019-20 as at 28052020 - Refunded by Tribunal Order	No. of Tribunal Orders Paid	% of all Tribunal Orders paid	% No of Bonds Refunded Under Tribunal Order of Total of Bonds Refunded
Tribunal - Full Refund to Lessor	5	9%	0.03%
Tribunal - Full Refund to Tenant	46	79%	0.28%
Tribunal - Partial Refund (either party)	7	12%	0.04%
Tribunal - Partial Refund to Lessor			
Tribunal - Partial Refund to Tenant			
Grand Total	58	100%	0.4%

Percentage No. of all bonds refunded that are refunded to lessors from a dispute
Percentage of all bonds refunded that are refunded to tenants from a dispute
Percentage No. of all bonds refunded that are refunded to either tenant/lessor from a dispute
Percentage No. of all bonds refunded that are refunded from a ACAT order

***Data provided for bonds refunded under Tribunal Orders, for the new RBP system

2019-20 as at 28052020 - Refunded by Tribunal Order

*** Tribunal records are for 2019 Dec to May 2020 - as migrated information available.

0.4% of all bond refunds were released under a tribunal order.
ACAT made orders for 58 disputed bond refunds in 2019-20 to current date
9% of disputed claims were refunded to the lessor
79% of disputed claims were refunded to the tenants
12% of disputes were refunded to both parties

0.03% Under a tribunal order of all bonds refunded for 2019-20 to date have been refunded to the lessor
0.28% Under a tribunal order of all bonds refunded for 2019-20 to date have been paid to the tenant
0.04% Under a tribunal order of all bonds refunded have been partially paid to the lessor and tenants.